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Attorneys for Defendant
INFINITE ENERGY HOME SERVICES, INC.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

INFINITY ENERGY, INC., a California Corporation,) CASE NO.: 2:21-CV-00438-WBS-KJN

Plaintiff,

) ASSIGNED TO:

) THE HON. WILLIAM B. SHUBB

vs.

) **JOINT REQUEST TO MODIFY SCHEDULING
ORDER AND ORDER**

INFINITE ENERGY HOME SERVICES, INC., a
California Corporation.

Defendant.

) SUIT FILED: MARCH 11, 2021

Pursuant to Federal Rules of Civil Procedure, Rule 16(b)(4), Plaintiff Infinity Energy, Inc. ("Plaintiff") and Defendant Infinite Energy Home Services, Inc. ("Defendant") (collectively, the "Parties") jointly request the court modify the Pretrial Scheduling Order, issued on September 1, 2022.

The court has the authority to modify the pretrial Scheduling Order for good cause. (FRCP Rule 16(b)(4)).

The Parties have been pursuing their discovery obligations, however on account of a recent and immediate medical condition suffered by Defendant's PMQ, the Parties agree to an



1 additional time to complete the outstanding discovery items. Defendant's PMQ is currently
2 hospitalized and remains in poor health. More information can be provided upon the Court's
3 request by way of an *in-camera* proceeding.

4 The Parties require an extension of the discovery cut-off date to complete certain
5 depositions which have either yet to be completed due to scheduling obstacles or are of
6 witnesses who have only recently been identified during PMQ depositions. Given the complexity
7 of the issues raised, the numerous individuals identified for deposition, and the extent of written
8 discovery, the Parties believe it is in the best interests of both sides to modify the Court's
9 pretrial Scheduling Order, and to continue the trial itself.

10 The Parties have met and conferred and have identified the remaining depositions to be
11 completed including Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton, Plaintiff's and
12 Defendant's disclosed experts, and the brief conclusion of the deposition of Plaintiff's PMQ,
13 Wesley Armstrong. The parties have completed written discovery.

14 As such, the Parties respectfully request that the Court modify the September 1, 2022,
15 Scheduling Order as follows:

- 16 1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton,
17 Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's
18 PMQ, Wesley Armstrong, shall be conducted as to be completed by March 27,
19 2023. All other discovery is closed.
- 20 2. All motions, except for motions for continuances, temporary restraining orders,
21 or other emergency orders, shall be filed on or before April 24, 2023.
- 22 3. The Final Pretrial Conference shall be July 18, 2023, or as soon thereafter as the
23 Court's schedule shall allow.
- 24 4. The trial shall commence on September 18, 2023, at 9:00 a.m., or as soon
25 thereafter as the Court's schedule shall allow.

26 The Parties request that all other dates included in the September 1, 2022, Scheduling
27 Order shall remain in effect.



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2
3 Dated: January 5, 2023

4 Respectfully submitted,

5 **ELGUINDY, MEYER & KOEGEL, APC**

6
7 By: /s/ Benjamin Koegel

8 David L. Price, Esq.

9 Benjamin D. Koegel, Esq.

10 W. Patrick Cronican, Esq.

11 Attorneys for Plaintiff INFINITY ENGERY, INC., a
12 California Corporation

13 Dated: January 5, 2023

14 Respectfully submitted,

15 **KROGH & DECKER, LLP**

16 By: /s/ Cagil Arel

17 Shawn M. Krogh, Esq.

18 Cagil Arel, Esq.

19 Attorneys for Defendant INFINITE ENERGY HOME
20 SERVICES, INC.



ORDER

Having found good cause exists pursuant to FRCP 16(b)(4), the court GRANTS the Parties' motion to modify the September 1, 2022, pretrial Scheduling Order.


The September 1, 2022, pretrial Scheduling Order is modified as follows:

1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton, Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's PMQ, Wesley Armstrong, shall be conducted as to be completed by March 27, 2023. All other discovery is closed.
2. All motions, except for motions for continuances, temporary restraining orders, or other emergency orders, shall be filed on or before April 24, 2023.
3. The Final Pretrial Conference shall be on **July 17, 2023 at 1:30 p.m.**
4. The trial shall commence on **September 19, 2023, at 9:00 a.m.**

All other dates contained in the September 1, 2022, Scheduling Order shall remain in effect.

IT IS SO ORDERED.

Dated: January 5, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE